

**DELTA PROTECTION COMMISSION**

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May 15, 1998

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: Staff Report and Draft Comments on the Programmatic DEIS/DEIR for the CALFED Project

**Background:**

The Delta Protection Commission has been monitoring the planning process for CALFED--the state-federal program to resolve issues associated with transfer of water through the State Water Project (SWP) and the federal Central Valley Project (CVP). Since December 1994 when the program was established, staff has participated in public workshops and technical work groups, and prepared briefing material for the Commission to keep you up to date on the program. The Commission spent considerable time reviewing and preparing comments on the Draft Ecosystem Restoration Program Plan (ERPP) last summer; the ERPP is one of six "Common Program Elements" included in the CALFED program.

**CALFED Program:**

As outlined in the enclosed CALFED booklet, the program includes two Variable Program Elements: Storage and Conveyance; and six Common Program Elements: Water Use Efficiency, Ecosystem Restoration, Watershed Management, Levee System Integrity, Water Transfers, and Water Quality (see page 7). The Draft Programmatic Environmental Impact Statement/Environmental Impact Report (DEIR) does not include a preferred alternative. Instead, the DEIR evaluates all three alternatives. Each alternative includes several variables; the DEIR focuses on four of these variables: Alternative 1C, Alternative 2B, and Alternatives 3B and 3E.

**Alternatives Evaluated in the DEIR:**

**NOTE:** Each evaluated alternative includes: Ecosystem Restoration Program; Water Quality Program; Water Use Efficiency Program; and Levee System Integrity Program. The following information should be read with the descriptions in the enclosed CALFED booklet. Details on alternatives are from technical appendix "Project Alternatives".

1. **Alternative 1C:**

**ERPP:** Habitat restoration for the South Delta would be relocated to the northern and western Delta.

**Water Quality:** Evaluate relocating North Bay Aqueduct, Tracy and Contra Costa Water District intakes to avoid salts and organic carbon.

**Conveyance:**

South Delta improvements: operable fish barrier at head of Old River, and water control structures on Middle River, Grant Line Canal, and Old River.

New fish screens at SWP and CVP.

Add intertie between Tracy Pumping Plan and Clifton Court Forebay.

New Clifton Court Forebay Intake structure at north end.

Channel enlargement along 4.9 mile reach of Old River.

**Storage:**

3 MAF upstream of Delta.

1 MAF south of Delta.

250 TAF groundwater storage in Sacramento Valley.

500 TAF groundwater storage in the San Joaquin Valley.

2. **Alternative 2B:**

**ERPP:**

Changes in environmental water flows would be met through purchase of existing water from willing sellers and use of new storage facilities.

South Delta restoration would be located west of structures on Middle River, Grant Line Canal and Old River.

Habitat along the North Fork Mokelumne River would be limited to a riparian habitat corridor associated with setback levees.

Shallow water habitat would be located in the Eastern Delta by breaching select portions of the east levee along the South Fork Mokelumne River.

**Water Quality:**

Evaluate relocating North Bay Aqueduct, Tract and Contra Costa Waster District intakes to avoid salts and organic carbon.

Relocate Delta ag drainage discharges to channels other than those identified for conveyance modifications.

**Levee:** Accommodate new setback levees for water conveyance and flooding of McCormack Williamson Tract.

**Conveyance:**

New 10,000 cfs screened intake at Hood, open channel parallel to and east of Snodgrass Slough with setback levee along east side of channel to McCormack Williamson Tract; breach McCormack Williamson Tract to flood island for shallow water habitat and water conveyance.

Mokelumne River: 600 foot alignment between I-5 and San Joaquin River; new setback levees 500 feet from existing channel; remove some of old levees and convert remainder into channel islands; relocate/replace existing improvements.

South Delta improvements: operable fish barrier at head of Old River, and water control structures on Middle River, Grant Line Canal, and Old River.

New fish screens at SWP and CVP.

Add intertie between Tracy Pumping Plan and Clifton Court Forebay.

New Clifton Court Forebay Intake structure at north end.

Channel enlargement along 4.9 mile reach of Old River.

**Storage:**

3 MAF surface storage upstream of Delta on Sacramento River tributaries.

500 TAF surface storage upstream of Delta on San Joaquin River tributaries.

2 MAF south of Delta.

250 TAF groundwater storage in Sacramento Valley.

500 TAF groundwater storage in the San Joaquin Valley.

**3. Alternative 3B:**

**ERPP:**

Changes in environmental water flows would be met through purchase of existing water from willing sellers and use of new storage facilities.

Habitat Improvements along the North Fork Mokelumne would be a riparian tree corridor associated with setback levees for modified channel conveyance.

Shallow water habitat for the Delta would be located in the eastern Delta by breaching select portions of the east levee along the South Fork Mokelumne River.

**Water Quality:**

Evaluate relocating North Bay Aqueduct, Tracy and Contra Costa Water District intakes to avoid salts and organic carbon.

Relocate Delta ag drainage discharges to channels other than those identified.

**Levee:** Accommodate new setback levees for North Fork Mokelumne River.

**Conveyance:**

Construct 5,000 cfs or 10,000 cfs intake at Hood (or at Freeport) with fish screen, 2,000 foot wide alignment, which includes channel and mitigation lands from Hood to Clifton Court Forebay along the eastern side of the Delta, construct 5,000 cfs open channel, relocate/replace improvements displaced by channel.

Delta Cross Channel closed September through June; open July through August.

Evaluate spur links to Bay Area and areas east of the Delta.

North Delta Channel Modifications: Mokelumne River: 600 foot alignment between I-5 and San Joaquin River; new setback levees 500 feet from existing channel; remove some of old levees and convert remainder into channel islands; relocate/replace existing improvements.

South Delta improvements: operable fish barrier at head of Old River.  
Water control structures on Middle River, Grant Line Canal, and Old River.

New fish screen at SWP and CVP.

Add intertie between Tracy Pumping Plan and Clifton Court Forebay.

New Clifton Court Forebay Intake structure at north end.

Channel enlargement along 4.9 mile reach of Old River.

**Storage:**

3 MAF surface storage upstream of Delta on Sacramento River tributaries.  
500 TAF surface storage upstream of Delta on San Joaquin River tributaries.  
2 MAF south of Delta.  
200 TAF in-Delta storage.  
250 TAF groundwater storage in Sacramento Valley.  
500 TAF groundwater storage in the San Joaquin Valley.

4. **Alternative 3E:**

Channel capacity is 15,000 cfs;  
Eliminate Old River enlargement;  
Eliminate barrier at head of Old River.  
No need to redirect agricultural drainage.

**Impacts to Delta Land Uses:**

1. **Agriculture:**

The largest impact on land use will be to agriculture in the Delta; the changes are associated with the ERPP which proposes habitat enhancement on over 100,000 acres in the Delta. In addition, 15,000 acres would be lost to the levee improvement program; and 14,000 acres to subsidence control. In the Legal Delta, there are 738,500 acres, with 527,000 in agriculture (about 70%); 89,000 in habitat; and 61,000 under water.

In the Primary Zone, there are 492,000 acres, with 378,000 acres in agriculture; 57,000 acres in habitat and 51,000 acres under water (DWR, 1993).

ERPP will include all other on-going State and Federal programs which will consolidated and minimize impacts on agricultural land in the Delta. Loss of agricultural lands is deemed a significant and unavoidable impact in the Delta region.

ERPP mitigation for impacts on farmland:

- A) Develop habitat on public land first.
- B) Absent public lands, restore lands acquired from willing sellers where at least part of the reason to sell is economic hardship (land that floods frequently or levees are too expensive to maintain).
- C) For lands for waterside habitat, seek land on islands where the ratio of levee miles to acres farmed is high.
- D) Obtain easements on farmlands which would allow for minor changes in agricultural practices thus increasing the value of the crops to wildlife.
- E) Floodplain restoration efforts would include provisions for continued agricultural practices on an annual basis.
- F) Conversion would occur over an extended time period; the conversion process would include extensive community, landowner and stakeholder involvement.

ERPP "Conversion of productive agricultural land would result in direct and indirect adverse economic impacts, including lost revenue, less labor demand, and reduced farm spending in local economies. Conversion of agricultural land to other uses could result in other loss of jobs, having a potentially significant impacts on social well being. Impacts would be the greater in the Delta Region" (p. 8.1-5)

Mitigation Strategies for Loss of Agricultural Land: ( p.8.1-43)

- A) Continue the flow of property tax revenues to the local counties, providing opportunities for alternative industries to develop (recreation) and other economic incentives, relocating facilities and shifting agriculture to new areas;
- B) Compensate local governments for increase demand for services resulting from labor displacement, compensate workers displaced by specific transfers through such actions as supplementing unemployment insurance benefits;
- C) Provide training and education opportunities for unemployed individuals to reenter the workforce.

ERPP: Farm worker job loss may result in significant adverse unavoidable impacts. In some cases jobs maybe shifted to other areas; however, jobs may be eliminated with no replacement. This would represent a significant unavoidable impact (p. 8.1-44)

Water Quality program: Could have impacts on Delta agriculture, such as redirecting discharges and possible treat discharges. Alternative 3 would result in increased salinity for South Delta lands; there is a suggestion that those lands could have water provided overland. The increased salinity would adversely affect agriculture in that area.

Levee Program: Would require approximately 15,000 acres of agricultural land (200 foot wide area for 625 levee miles). Assumes 100 miles of setback levees would be constructed affecting an area 500 feet in width. "The loss of farmland may adversely affect the financial viability of local agencies, especially water and reclamation districts" (p. 8.1-34).

Subsidence Control: Would flood about 14,000 acres.

Storage: Several alternatives reference in-Delta storage: Victoria, Bacon and Woodward (14,000-15,000 acres) and Holland Tract (4,000-4,500 acres) are mentioned.

2. **Wildlife Habitat:**

The overall program emphasizes transition of ag land to permanent habitat (98,000 to 115,000 acres). About half of the enhancements would be tidal--areas which are now behind levees would be permanently water-covered. About half of the enhancements would be behind existing levees--about half of these areas would be permanently flooded (fresh emergent wetland) and about half would be seasonal wetland.

The ERPP assumes that "the distribution and abundance of special status species is proportional to the amount and quality of habitat available." (P.7.2-22).

Conversion of ag lands to water-covered areas and permanent nontidal wetland (75% of restoration areas) would convert habitat currently used by Swainson's hawks in spring and summer, and by migratory water waterfowl in fall and winter.

Many of these lands are currently flooded as seasonal wetlands and provide habitat for migratory waterfowl and other birds. The high calorie crop residue on these agricultural lands would be replaced with other plants. If the lands are intensively managed (like a duck club) there will be a high cost. If the lands are allowed to revegetate without management, there may be a poor quality of habitat.

DEIR states "if restored areas are located in close proximity to export facilities, are isolated from existing aquatic habitat, or provide depth or salinity unsuitable for important Delta species, the habitat value may be minimal...habitat restored in the south Delta would have the least value to Delta species. Restored habitat in the central Delta would also be of minimal value...Restored habitats in the north Delta are farthest from the export facilities, potentially include more shallow habitat with greater channel complexity and are in close proximity to existing more natural habitat." (P. 7.1-36-37).

3. **Recreation:**

ERPP will create increased recreation opportunities involving wildlife viewing, particularly birds, and fishing, and create new water covered areas for boating and hunting.

ERPP may result in adverse impacts to recreation, such as permanent closure of some piers or marinas following ecosystem restoration.

ERPP could result in temporary, seasonal, or permanent closure of Delta waterways impacting boating access.

ERPP new fish barriers could adversely affect boat traffic.

ERPP: Proposed reduction of boat speeds in areas where levees or channels islands and their associated shallow water and riparian habitat are susceptible to wake damage could result in congestion during peak use days in the summer months and could alter personal watercraft and boat behavior and could decrease the number of user days for boating in the Delta (P.8.3-25).

**Mitigation Strategies:**

A) Prepare a comprehensive recreation planning program concurrent with the ecosystem and levee restoration and storage and conveyance projects. Address existing deficiencies, as well as provide for appropriate modification and additions to recreation facilities.

B) Comprehensive recreation planning would serve to mitigate potential impacts to boating access and would result in proposed recreation projects which would act as mitigation for impacts to recreation resulting from habitat restoration activities.

C) If boating circulation in the Delta is to be modified due to temporary, seasonal or permanent channel closures, comprehensive analysis of boating circulation must be conducted to assure that appropriate alternative routes are identified and clearly marked.

D) If program actions require the permanent closure of a recreation facilities, mitigation should include the relocation of a similar facility in a nearby location with similar amenities.

E) Restoration and redesign of existing levees and the design of new levees should accommodate vehicular access and parking for shoreline fishing, boat launching,, swimming, hiking, bicycling, and wildlife viewing. If levee projects are designed to provide access to waterfront parcels of useable land on island edges, then opportunities for day use boating and camping can be created.

F) No potentially significant unavoidable impacts were identified.

#### **4. Levees:**

Levee Program would raise all levees to PL 84-99 standard, an agricultural standard.

Implementation of the Levee program would require acquisition of additional lands on the Islands to accommodate levee widening; estimated loss of agricultural lands would be approximately 15,000 acres.

Mitigation measures proposed for the Levee Program include:

A) Work with landowners to establish reconstruction methods to minimize the taking of agricultural lands.

B) Re: subsidence control measures, work with landowners to establish Best Management Practices which avoid or minimize changing and uses practices while protecting levees from the effects of subsidence.

C) Protection of other agricultural land of equivalent productive potential for agricultural use with restrictions; through easements.

D) Important erosion control measures.

E) Schedule construction so current crops may be harvested prior to construction.

F) Develop agricultural infrastructure, buffers and other support for remaining agricultural lands.

G) CALFED benefits of water supply reliability should be provided to agricultural water users on an equitable basis considering the nature and extent of impacts to agricultural resources including land and water.



### **Staff Analysis:**

Staff recommends that a comment letter be sent to CALFED, and that the comment letter focus on the three land uses existing in the Delta and identified in the Delta Protection Act as the land uses the Commission should seek to protect and enhance. Delta issues include:

**Balance:** how much land now behind levees should be converted to habitat? Is there a way to lessen the acres proposed for conversion and still reach desired environmental goals?

**Controlling impacts:** how can converted lands be selected and enhanced so as to NOT have an adverse impact on adjacent lands?

**Equity:** to save the Delta, the Delta as we now know it will be changed forever. There will be significant, unmitigatable impacts associated with the CALFED program. The program is not to result in redirected impacts; will the Delta be the recipient of redirected impacts?

**Mitigation:** are there appropriate conditions that could mitigate the impacts associated with the proposed actions. Is the mitigation outlined in the DEIR adequate? Who will ensure that the mitigation is carried out? Should there be some mitigation for the extensive loss of agricultural lands?

### **CALFED Subcommittee:**

The Delta Protection Commission CALFED Subcommittee (Mello, Curry, Nottoli, and Yates) met on April 21, 1998 to review preliminary material on the DEIR and give direction to staff. The Subcommittee concurred with the Staff Analysis, above, and reviewed the draft letter. Subcommittee member comments have been incorporated into the draft letter.

### **Staff Recommendation:**

The Commission should review, offer comments and direct staff to send comments to CALFED. The comment deadline of July 1, 1998.



**DRAFT**

Lester Snow, Executive Director  
CALFED Bay-Delta Program  
1416 Ninth Street, Suite 1155  
Sacramento, CA 94236-0001

**Subject:       Comments on the Programmatic Environmental Impact Statement/Environmental Impact Report, March, 1998**

**Dear Mr. Snow:**

**I am writing on behalf of the Delta Protection Commission to submit comments on the Programmatic Environmental Impact Statement/Environmental Impact Report (DEIR) for the CALFED program. The Delta Protection Commission is submitting these advisory comments based on the goals of the Delta Protection Act of 1992 and the policies in the Commission's adopted land use plan for the Primary Zone of the Delta.**

**The Commission's mandate is to protect and enhance the three existing land uses in the Delta: agriculture, wildlife habitat and recreation; to assure orderly, balanced conservation and development of delta land resources; and to improve flood protection. The challenge to CALFED is to work with the Commission, which represents a broad spectrum of Delta interests, to balance the land uses in the Delta--the "three legs of the stool".**

**While the Commission supports the overall CALFED planning process and its difficult challenge to resolve conflicting issues concerning water and wildlife in the Delta, the Commission is concerned about the proposed impacts to land uses in the Delta Primary Zone. The currently proposed land use changes would have widespread and detrimental socio-economic impacts on the Delta Primary Zone, which would be exacerbated by the proposed changes in water quality in the South Delta.**

**These impacts appear to be in violation of one of the six CALFED solutions principles which states "No Significant Redirected Impacts: A solution will not solve problems in the Bay-Delta system by redirecting significant negative impacts, when viewed in its entirety, in the Bay-Delta or other regions of California."**

## **Impacts to Agricultural Lands**

The CALFED program would have very serious impacts on agricultural land uses in the Delta Primary Zone, and secondary impacts on agriculture-serving business in the Delta region. The Ecosystem Restoration Program Plan (ERPP) proposes to retire from agriculture and restore to habitat between 98,000 and 115,000 acres of land over the next 25 years. About half those lands would be behind levees and about half those lands would be restored to tidal action. As of 1993, there were 491,774 acres in the Delta Primary Zone, of which 378,160 acres were in agricultural use, 57,596 acres in habitat or uncultivated agricultural use (unirrigated grazing), and 51,000 acres were water-covered. For the entire Legal Delta, the area described in the DEIR, the numbers are: 738,493 acres total; 527,309 acres in agriculture; 82,845 acres in habitat or uncultivated agriculture; 61,119 acres of water-covered lands; and 67,219 acres of urban lands.

There are several major areas already owned by public agencies or nonprofit groups, or already planned and designated for restoration to habitat, including Sherman and Twitchell Islands, Prospect Island, Bouldin and Holland Tracts, Stone Lakes Wildlife Refuge, etc, which would result in thousands of acres of agricultural land being converted to habitat behind levees. These projects already in the planning stages appear to meet the goals for habitat enhancement behind levees without the need to acquire additional privately owned lands in the Delta.

**Comment:** The DEIR should review the ability of the ERPP to meet the goals for new and enhanced habitat behind levees through enhancement and management of currently designated lands, and without acquisition of additional privately-owned lands.

The ERPP includes goals for over 60,000 acres of land to be restored to tidal action to provide fish spawning and rearing habitat in the Delta. Reopening areas to tidal action is only one of many actions recommended to lead to recovery of Delta native fishes, as outlined by the U.S. Fish and Wildlife Service in their November 1996 Recovery Plan. Highest priority actions are (Priority One): increased freshwater flows; protection of the freshwater nature of Delta aquatic habitat; reduced entrainment losses at the State and federal water projects; no net loss of shallow water (defined as less than 3 meters) habitat to dredging; and elimination of harvest of green sturgeon and wild runs of chinook salmon. Development of additional habitat and vegetation zones in the Delta are a Priority 2 action in the Recovery Plan.

Restoration of dry land to shallow water habitat should be only one part of an overall strategy to enhance fish species and aquatic habitat in the Delta. Acquisition and restoration should be implemented over time in conjunction with other key actions designed to meet species population goals which can be developed and monitored as part of the ERPP. Thousands of acres of water-covered lands could be managed and/or enhanced to improve aquatic habitat values. Actions could include: placement of fill to create shallow water habitat; placement of root wads to provide hiding and spawning places; and removal of invasive plants.

**Comment:** The DEIR should evaluate an alternative aquatic habitat enhancement program which addresses opportunities to enhance existing water-covered habitat for spawning and rearing habitat for key fish species (Franks Tract; Big Break; Mildred; Little Holland Tract, etc). Sites to be acquired for restoration should be small, isolated areas which would not contribute to a cumulative adverse impact on agricultural land uses in the Delta Primary Zone. In addition, in-channel islands, waterside berms, and engineer-approved trees at the waterside toe of levees would also be suitable sites for habitat enhancement and restoration. Acquisition, restoration, enhancement and management should be carried out at the same time as other key actions identified by resource management agencies with expertise in fisheries management.

The DEIR indicates that flooding large acres of agricultural land may result in some additional water in the Delta waterways, while warning that "flora that is restored in the Delta will consume much of the water that would have been used by crops". Testimony has been received by CALFED indicating that permanent flooding of Delta islands would result in **additional** water use--approximately two acre feet above that used for agricultural crops--rather than less, due to evaporation and evapo-transpiration. There is no discussion of the amount of water needed for the proposed restoration areas, and there is no discussion of the source of such water.

**Comment:** The DEIR should provide more specific information about the amount of water needed to flood islands proposed for restoration, and possible sources and estimated cost of such water.

The State has adopted as policy the need to protect the Delta waters from intrusion from the salty waters of San Francisco Bay. The program which identified and protects the Eight Western Islands (Bethel, Bradford, Holland, Hotchkiss, Jersey, Sherman, Twitchell, and Webb). The ERPP seeks to restore 10% of the leveed lands in the Delta to tidal action. There is no discussion of possible salinity impacts associated with reopening 10% of the Delta to tidal action, nor any analysis of methods or techniques to carry out such a program in a manner that would protect water quality in the Delta for in-Delta uses and for export purposes.

**Comment:** The DEIR should address the impacts to water quality, particularly possible salinity intrusion, which may result when large areas are restored to tidal action, as proposed in the ERPP.

The DEIR lists mitigation measures proposed to minimize adverse impacts to agricultural lands in the Delta including:

- 1) restore existing, degraded habitat first;
- 2) develop habitat on public land first;
- 3) absent public lands, acquire and restore lands acquired from willing sellers where at least part of the reason to sell is economic hardship (land that floods frequently or levees that are too expensive to maintain);

- 4) for lands for waterside habitat, seek land on islands where the ratio of levee miles to acres farmed is high;
- 5) obtain easements on farmlands which would allow for minor changes in agricultural practices thus increasing the value of crops to wildlife;
- 6) floodplain restoration efforts would include provisions for continued agricultural practices on an annual basis; and
- 7) conversion would occur over an extended time period; the conversion process would include extensive community, landowner, and stakeholder involvement.

**Comment:** In addition to these conditions, which the Delta Protection Commission supports, the ERPP program should include:

- 1) acquire and/or enhance currently flooded lands to create and/or enhance emergent habitat;
- 2) develop and implement individual management plans for private agricultural properties and develop funds to offset costs of voluntary implementation of such plans;
- 3) develop and implement individual management plans for privately-owned lands managed for wildlife habitat, such as duck clubs and upland hunting clubs, and develop funds to offset costs of voluntary implementation of such plans; and
- 4) develop programs to address stressors to avoid duplication of existing regulatory programs and which address the needs of existing lands uses.

**Comment:** Acquisition and retirement of additional privately owned agricultural lands should be conditioned to ensure:

- 1) proposed restoration projects shall not adversely impact Delta water quality, particularly salinity levels; and
- 2) proposed restoration projects shall not adversely impact existing uses on adjoining lands or adjacent islands.

The DEIR does not suggest any mitigation for the permanent loss of prime farmlands, although the California Environmental Quality Act (CEQA) indicates that conversion of prime agricultural land will result in a significant effect on the environment. The DEIR indicates that up to 105,000 acres of prime agricultural land would be permanently lost through implementation of the ERPP.

**Comment:** The DEIR should analyze if there is a need to mitigate the loss of prime agricultural land under CEQA. Possible mitigation could include permanent protection of agricultural lands through conservation easements; these easements could help carry out the goals of the ERPP's wildlife friendly agriculture component, or the watershed management program.

The DEIR indicates there will be adverse economic impacts in the Delta associated with the retirement of agricultural land for habitat conversion. However, the DEIR reaches the conclusion that the economic impacts will not adversely affect the regional economy, apparently bundling the Delta economy into the Sacramento-Stockton region for analysis. The ERPP alone would result in loss of close to half of the agricultural lands in the Delta Primary Zone.

**Comment:** The DEIR should evaluate impacts to the economy of the Legal Delta, and should address primary impacts to landowners, and secondary impacts to laborers, suppliers, processors, associated support industries, etc, when evaluating the economic impacts.

### **Impacts to Wildlife Habitat:**

The Delta's agricultural lands have long been recognized as key seasonal wildlife habitat for migratory waterfowl. The Central Valley Habitat Joint Venture has been working for the last ten years to protect agricultural lands in the Delta, enhance seasonal habitat values, and enhance year round habitat values. The value of flooded agricultural lands versus tidal marsh is rated by program biologists as three times as valuable, largely based on the high caloric value of the agricultural residue available to the migratory waterfowl.

**Comment:** The DEIR should evaluate the impact to migratory waterfowl of the loss of up to 115,000 acres of agricultural lands to water-covered habitat and managed wetlands.

Agricultural fields and pasture lands are recognized as feeding areas for several important species including the threatened Swainsons Hawk and Greater Sandhill Crane. Minimal description is included regarding these species and their habitat needs.

**Comment:** The DEIR should evaluate the impact to threatened species such as Swainsons Hawk and Greater Sandhill Crane of the loss of up to 115,000 acres of agricultural lands in the Delta to water-covered habitat and managed wetlands.

The ERPP assumes that restoration of several tens of thousands of acres of agricultural lands to water-covered habitat will result in spawning and rearing habitat needed to delist endangered aquatic species. At this time, there is no or minimal data regarding the value of restored habitat for spawning and rearing of key aquatic species in the Delta. The U.S. Fish and Wildlife Service's plan for recovery of native Delta fishes (November 1996) describes a number of factors deemed critical to enhancing these species; very little scientific research has taken place to determine what criteria are key to development of a successful restoration project. No sites have yet been planned and restored. Areas that have been returned to tidal action have resulted from unplanned levee breaks--Big Break, Franks Tract, Little Holland Tract, Mildred Island, etc, with no management of those sites.

Comment: The DEIR should more thoroughly describe the "suite" of actions deemed critical to restoration of aquatic species, and likely phasing and partnering of restoration activities.

The DEIR indicates that due to the influence of the State and federal project pumps in the South Delta, restoration of habitat should be focused in the North and East Delta. The DEIR states "habitat restored in the south Delta would have the least value to Delta species. Restored habitat in the central Delta would also be of minimal value..." (P. 7.1-37).

Comment: The DEIR should evaluate the value of habitat restored in the Central and South Delta as part of a program to restore general ecosystem health in the Delta, rather than locating all aquatic habitat restoration in the North and East Delta to avoid impacts of the project pumps.

The DEIR states that restoration of large areas to wetland habitat will increase the amount of available mosquito breeding habitat and suggests integrating various mosquito control methods. The DEIR notes that mitigation measures may not be adequate to reduce impacts to less-than-significant levels (page 8.8-13).

Comment: The DEIR should ensure that any project which could potentially result in increased mosquito breeding habitat be reviewed by the local mosquito and vector control district, and conform to any site specific conditions or best management practices recommended or required by that district. The issue of funding mosquito control district services should be negotiated prior to constructing habitat projects.

### **Impacts to Recreation:**

The DEIR describes a number of actions which could be implemented to protect habitat and habitat values which would affect recreational boating activities. Actions include: adoption of speed zones; and temporary, season or permanent closure of Delta waterways.

Comment: The DEIR should outline the circumstances and legal authorities which would be exercised to implement the controls on boating in the Delta described in the DEIR.

The DEIR states that if recreational facilities are displaced, mitigation should include the relocation of a similar facility in a nearby location.

Comment: The DEIR should explain how this program would be exercised, and how suitable locations for replacement facilities would be identified, and approvals obtained.

The DEIR states that the restoration and redesign of existing levees and the design of new levees should accommodate vehicular access and parking for shoreline fishing, boat launching, swimming, hiking, bicycling, and wildlife viewing.



Comment: The DEIR should describe how such sites would be supervised, and how appropriate support facilities such as restrooms and trash receptacles would be provided and maintained. The DEIR should also describe how appropriate sites would be identified to minimize conflicts with agricultural uses and wildlife habitat values.

The DEIR does not address the requirements of the Davis-Dolwig Act of 1961 which specifies that planning for public recreation use is to be part of project formulation for activities in connection with State-sponsored water projects. No such component is included in the description of the CALFED conveyance project elements.

Comment: The DEIR should be amended to include reference to the Davis-Dolwig Act of 1961, and to include a public recreation component for the CALFED program.

### **Impacts to Delta Levees:**

The DEIR describes the proposed improvement to the existing Delta levees--primarily to the non-project levees-- which would bring those levees to a more stable standard, PL-99. PL-99 is an agricultural standard which ensures that levee crowns are one and a half feet above the 100 year flood elevation and include minimum slopes of two to one on the water side and slopes of three to one to five to one on the land side depending on the soil conditions.

Comment: The proposed standard, PL-99, is included as the recommended standard for Delta non-project levees in the Commission's Land Use and Resource Management Plan for the Primary Zone of the Delta.

### **Summary:**

The Delta Protection Commission supports the CALFED concept of "getting better together". The Commission wants to continue to participate in the CALFED process, and work with CALFED and its staff to develop a reasonable and effective overall program which will protect and enhance the unique resources of the Primary Zone of the Delta, while moving towards the goals of the CALFED program.

Sincerely,

Patrick N. McCarty  
Chairman